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September 19, 2006

Hon. Denny Chin
United States District Judge
Daniel Patrick Moynihan Courthouse
Room 1020
New York, NY 10007-1312
Via Fax: (212) 805-7906

MEMO ENDORSED

Re: Guimaraes v. Speiser Krause No. 05 CV 2210 (DC)(S.D.N.Y.)
Miniti v. Speiser Krause No. 04 CV 07976 (DC) (S.D.N.Y.)
(Consolidated for Discovery)

Dear Judge Chin:

We represent Speiser Krause, defendants in the above two actions. The Court has directed that our Rule 56 motions be filed by this Friday, September 22, 2006. I write pursuant to Your Honor's Individual Rule 2 (C). Defendant respectfully requests the Court's permission file a memorandum in support of its summary judgment motion in the Guimaraes action that exceeds 25 pages in length.

Mr. Guimaraes' Amended Complaint herein asserts six causes of action: Breach of Contract, Quantum Meruit, Unjust Enrichment, Constructive Trust, Conversion, and Accounting. Each of these claims carries its own legal standards which must be developed in the memorandum for resolution by dispositive motion. By the same token, the transactions and occurrences at issue have taken place over almost ten years. As a result, even distilled, the undisputed record is voluminous.

The undersigned has completed its first draft of our memorandum in support of defendants' summary judgment motion. This draft is approximately 60 pages long. Through careful editing, we believe that we can reduce this memorandum to 50 pages, and ask the Court's permission to file a memorandum of that length.

Respectfully,

WILLIAM J. APUZZO

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Plaintiff may have 40 pages
in opposition. Defendant may
have up to 20 pages for a
reply memorandum.

9/20/06 reply so ordered. 
wsdt